IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 13153 of 2007(N)

LAR.240/2000 of ADDL.SUB COURT,KOLLAM

.....

PETITIONER:

KUNJU PILLAI AMMA DEVAKI AMMA,
THEVARAZHIKATH VEEDU, NEERAVIL
THRIKADAVUR VILLAGE, KOLLAM.

BY ADV. SRI.JOHN BRITTO
SRI.C.A.RAJEEV

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
DISTRICT COLLECTOR, KOLLAM.

BY GOVT. PLEADER SRI.L.G.SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

W.P.(C) No. 13153 OF 2007

Dated this the 11th June, 2007.

J U D G M E N T

Petitioner's property was acquired for a public purpose. Dissatisfied with the quantum of compensation awarded by the Land Acquisition Officer, she filed a petition claiming enhancement. The matter was referred to Additional Sub Court, Kollam, and numbered as L.A.R.No.240/2000.

2. When the matter cane up for hearing on 15.3.2002, the learned Sub Judge answered the reference holding that the amount awarded by the Land Acquisition Officer was just and proper, on the ground that the petitioner did not adduce any evidence. Challenging that order, this writ petition is filed.

3. It is true that there is inordinate delay in challenging the impugned order. There is nothing on record to show that the petitioner even filed a petition for review or an appeal against the impugned order. But considering the fact that the property was acquired for widening of National Highway, I am of the view that the

petitioner can be given an opportunity to prove her case, but only subject to the condition that she will not be entitled to get interest from the date of dismissal of the L.A.R., till the date of restoration.

4. In the result, the writ petition is allowed. The judgment passed by the Additional Sub Court, Kollam, in L.A.R.No.240 of 2000, is hereby set aside. The learned Sub Judge is directed to take the L.A.R. back to file, and dispose of the same afresh, in accordance with law, after giving a reasonable opportunity to both sides to adduce evidence. However, I make it clear that the petitioner will not be entitled to get interest on the amount of compensation from the date of dismissal of the L.A.R., 15.3.2002, till the date on which the learned Sub Judge restore the L.A.R. back to file.

K.PADMANABHAN NAIR,
JUDGE

nj.